

SENATE BILL NO. 437

BY SENATOR APPEL

1 AN ACT

2 To amend and reenact R.S. 9:2772(H)(2), relative to contracts; to provide for recovery of  
3 attorney fees and court costs in certain circumstances; and to provide for related  
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:2772(H)(2) is hereby amended and reenacted to read as follows:

7 §2772. Peremptive period for actions involving deficiencies in surveying, design,  
8 supervision, or construction of immovables or improvements thereon

9 \* \* \*

10 H. \* \* \*

11 (2) In any ~~such~~ action in which fraud is alleged, that issue shall be decided  
12 by trial separate from and prior to the trial of any or all other issues. **However, if**  
13 **fraud is alleged in nonresidential contracts in an action commenced after the**  
14 **expiration of the five-year period provided by this Section, and the court**  
15 **determines that the allegation was brought in bad faith and no fraud is found,**  
16 **then the party who made the allegation shall be liable for court costs and**  
17 **attorney fees. If fraud is proven, then the party that has committed the fraud**  
18 **shall be liable for court costs and attorney fees.**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_